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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,810	12/04/2000	Victor Shao	50277-1524	9258

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HICKMAN PALERMO TRUONG & BECKER/ORACLE
2055 GATEWAY PLACE
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EXAMINER

NGUYEN, QUANG N

ART UNIT PAPER NUMBER

2141

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/729,810

Applicant(s)

SHAO ET AL.

Examiner

Quang N. Nguyen

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13,15,20,21,23-33,35 and 40-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-13,15,20,21,23-33,35 and 40-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08/11/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/02/2005 has been entered.

This Office action is in response to the Amendment filed on 08/10/2004. Claims 1 and 21 have been amended. Claims 1, 3-13, 15, 20-21, 23-33, 35 and 40-42 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-4, 9-13, 15, 20-21, 23-24, 29-33, 35 and 40-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Young et al. (US 2002/0065774 A1), herein after referred as Young.

4. As to claim 1, Young teaches a method to access a plurality of services provided to a device, comprising:

storing, external to a device (*mobile phone 10*) and separate from a first service (*merchant 20*) of a plurality of services, data records containing a plurality of data items associated with a particular type of information (*a product database containing data records about products, e.g., goods and services, associated with the product codes may reside on the transaction portal server 24*) (Young, Fig. 2 and paragraph [0053]),

wherein the step of storing said data records comprises:

receiving content, provided by one or more services, in response to being requested by the device (*the portal 15 accesses a product database provided at a web server of the merchant 20 to retrieve information about the product associated with the product code 1129 requested by mobile phone 10*) (Young, Fig. 2 and paragraph [0053], lines 1-8);

identifying, within said content, one or more data items associated with said particular type of information (*the product data may comprise one or more data items available to the consumer such as associated merchants, short descriptions, various brand names, the colors available, the sizes available and the pricing for each option, etc.*) (Young, paragraph [0055], lines 1-6); and

generating one or more data records that contain said one or more data items (when the consumer sends the purchase indication to the portal 15, inherently, the portal 15 generates one or more data records associated with the consumer, i.e., generates transaction records associated with the consumer, comprising the consumer's indication of which of the options the consumer desires for example, gray coat, size XL); (Young, paragraph [0055], lines 8-11); receiving a first message from said device requesting said first service, wherein said first service requires said particular type of information for input (the portal 15 receives a product code 1129 request from the mobile phone 10) (Young, Fig. 2 and paragraph [0049]);

reading said data records and transmitting data to said device to cause said device to present a user interface a particular data item of said plurality of data items to be selected (the portal 15 accesses the product database, retrieves data relating to the product associated with the received product code 1129 and sends the product data to the mobile phone 10) (Young, Fig. 2 and paragraph [0054], lines 1-5);

receiving a second message indicating a selection from said device of said particular data item (the mobile phone 10 sends the purchase indication, by pressing "1", to the portal 15 via network 30) (Young, paragraph [0054]); and

sending said particular data item to said first service of said plurality of services (the portal 15 transmits order information to merchant 20) (Young, paragraph [0061]).

5. As to claim 3, Young teaches the method of claim 1, wherein the step of receiving content includes receiving content requested in messages from said device; said messages contain a particular identifier (*e.g., product code 1129*); and the step of storing said one or more data records includes storing data records that are associated with said particular identifier (*the product database contains information about the product associated with the 1129 product code*) (Young, paragraph [0053]).

6. As to claim 4, Young teaches the method of claim 1, wherein the step of storing said one or more data records containing said data items is performed transparent to a user of said device (*i.e., storing the product data associated with the product code in the product database is performed transparent to the mobile phone 10*).

7. As to claim 9, Young teaches the method of claim 1, wherein the content includes tags (*a product code includes a particular merchant code and a particular product code*); and the step of identifying within said content, data items associated with said particular type of information is performed based on said tags (*for example, out of the production code of 11290529, 112 indicates a particular merchant, i.e., merchant 20 and 90529 indicates a particular product, the coat*) (Young, paragraphs [0046-0048] and [0055]).

8. As to claims 10-11, Young teaches the method of claim 1, wherein the step of transmitting data to said device to cause said device to present a user interface that displays a first subset of said plurality of data items (*the consumer views a plurality of data items displayed – goods and services provided by a plurality of merchants 20 such as coats, train tickets, airlines tickets, books, music lawn services and other products*) (Young, paragraphs [0054 – 0065]); and to cause said device to present an option for causing said list to be updated to display a second subset of said plurality of data items (*inherently, said device such as mobile phone, PDA, laptop computer which all have a function allowing an option to scroll through a list of data displayed on the screen*).

9. As to claim 12, Young teaches the method of claim 1, wherein said particular data item identifying a particular address (*a particular item is associated with a particular merchant, i.e., a particular address*).

10. As to claim 13, Young teaches the method of claim 1, wherein said data records are stored in a database with data that associates the data records with an identifier (*data records of the product data associated with the product codes*), the method includes the steps of: extracting the identifier from said first message (*extracting the product code from the request message*); and locating said data records based on said identifier (*and retrieving the production information associated with the product code from the product database*) (Young, paragraph [0053]).

11. As to claim 15, Young teaches the method of claim 1, wherein said storing said data records further comprises: receiving data items associated with said particular type of information (*receiving the purchase indication of which of the options the consumer desires such as color, size, product code, payment method, shipping/billing addresses, etc.*) from said device; and storing said plurality of data items received from said device (*and storing user's shopping and payment information*) (Young, paragraph [0024]).

12. As to claim 20, Young teaches the method of claim 1, wherein the data records are stored on a server (*the transaction portal server 24*); the device is connected to the server through a connection that includes at least a portion that is wireless (*via mobile network 30 and wireless gateway 12*) (Young, Fig. 2 and paragraph [0049]); and said step of storing said data records further comprises receiving data items associated with said particular type of information from a second device (*receiving product data/information from a merchant 20*) that is connected to said server with a connection that is not wireless (*via the Internet*); and storing said plurality of data items with an identifier associated with said device (*storing product data/information received from the merchant 20 associated with a product code*) (Young, paragraph [0053]).

13. As to claim 41, Young teaches the method of claim 1, wherein:

the step of storing data records containing a plurality of data items associated with a particular type of information includes storing a particular data record that contains one or more values previously provided to said device by a second service that

is different from said first service (*the transaction portal server 24 storing both user's shopping and payment information*) (Young, paragraph [0024]); and

the step of sending said particular data item to said first service includes sending to said first service a value read from said particular data record (*the portal 15 also transmits order information to the merchant 20*) (Young, paragraph [0061]).

14. Claims 21, 23-24, 29-33, 35, 40 and 42 are corresponding computer-readable medium claims of method claims 1, 3-4, 9-13, 15, 20 and 41; therefore, they are rejected under the same rationale.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. **Claims 5-8 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young, in view of Patterson et al. (Computer Organization and Design: The Hardware/Software Interface), herein after referred as Patterson.**

17. As to claims 5-7, Young teaches the method of claim 1 but does not explicitly teach deleting existing data records in response to storing said one or more data records when an amount associated with said data records reaches a predetermined threshold; selecting data records to delete based on a sequence associated with said existing data records; and wherein said sequence reflects when data items within said existing data records were most recently selected.

In a related art, Patterson teaches that devices of limited storage capability (*caches*) can implement a least recently used (*LRU*) algorithm for determining what data to replace, wherein the data replaced is the data that has gone unused for the longest time (pages 575-576, Choosing Which Block to Replace).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Young and Patterson to have Patterson's LRU data replacement algorithm determine which data to be replaced since such methods were conventionally employed in the art to allow the system to be able to make room to add new data and/or to keep current data to remain stored at the expense of obsolete data in a limited/finite storage when predefined thresholds and/or limits are reached (Patterson, page 575, line 1).

18. As to claim 8, Young-Patterson teaches the method of claim 6, but does not explicitly teach replace data based on when the data was generated.

Here, "Official Notice" is taken that both the concept and advantages of having data replacement algorithms based on when data was generated are well known and expected in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Young-Patterson's scheme for replacing data be based on when data was generated because this would allow any programmer or architect to implement the very common and easy to design first-in-first-out (FIFO) stack or queue to hold the data records.

19. Claims 25-28 are corresponding computer-readable medium claims of method claims 5-8; therefore, they are rejected under the same rationale.

Response to Arguments

20. In the Remarks, Applicant argued in substance that

(A) Prior Art does not teach, "receiving content, provided by one or more services, in response to being requested by the device."

As to point (A), **Young** teaches the portal 15 accesses a product database provided at a web server of the merchant 20 to retrieve information about the product associated with the product code 1129 requested by mobile phone 10 (Young, Fig. 2 and paragraph [0053], lines 1-8).

(B) Prior Art does not teach, "identifying, within said content, one or more data items associated with said particular type of information."

As to point (B), **Young** teaches the product data may comprise one or more data items available to the consumer such as associated merchants, short descriptions, various brand names, the colors available, the sizes available and the pricing for each option, etc.) (**Young**, paragraph [0055], lines 1-6).

(C) Prior Art does not teach, "generating one or more data records that contain said one or more data items."

As to point (C), **Young** teaches the consumer sends the purchase indication to the portal 15, inherently, the portal 15 generates one or more data records associated with the consumer, i.e., generates transaction records associated with the customer, comprising the consumer's indication of which of the options the consumer desires for example, gray coat, size XL (**Young**, paragraph [0055], lines 8-11).

21. Applicant's arguments as well as request for reconsideration filed on 02/02/2005 have been fully considered but they are not deemed to be persuasive.

22. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER